

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Beldale Court, 100' N of
the c/l Dunfield Road
(8415 Beldale Court)
11th Election District
6th Councilmanic District

Manuel F. Ferro, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-77-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Manuel F. and Jackie Ferro. The Petitioners seek relief from Sections 1B01.2.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear yard setback of 11.7 feet in lieu of the required 22.5 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

ORDER RECEIVED FOR FILING

Date 9/17/98

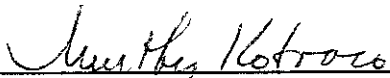
By [Signature]

B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of September, 1998 that the Petition for Administrative Variance seeking relief from Sections 1B01.2.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear yard setback of 11.7 feet in lieu of the required 22.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

by



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 17, 1998

Mr. & Mrs. Manuel F. Ferro
8415 Beldale Court
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Beldale Court, 100' N of the c/l Dunfield Road
(8415 Beldale Court)
11th Election District - 6th Councilmanic District
Manuel F. Ferro, et ux - Petitioners
Case No. 99-77-A

Dear Mr. & Mrs. Ferro:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓
File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8415 BELDALE COURT

which is presently zoned DR-16

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.1.b and 301.1A.

TO PERMIT AN OPEN PROJECTION DECK WITH A REAR YARD SETBACK OF 11.7' IN LIEU OF THE REQUIRED 22.5'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1) CONSTRAINING ADVERSE EFFECT ON USE OF PROPERTY.

2) PROHIBITS QUIET ENJOYMENT OF REAR YARD.

3) PREVENTS, WITHOUT PRACTICAL DIFFICULTY, ACCESS & EGRESS TO AND FROM KITCHEN/DINING AREA.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

(We do solemnly declare and affirm under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

MANUEL F. FERRO
(Type or Print Name)

Signature

MANUEL F. FERRO
Signature

Address

JACKIE FERRO
(Type or Print Name)

City

State

Zipcode

Signature

JACKIE FERRO

Attorney for Petitioner

(Type or Print Name)

8415 BELDALE CRT (410) 663-9213
Address Phone No

Signature

BALTIMORE MD 21236
City State Zipcode
Name Address and phone number of representative to be contacted

Address

Phone No

MANUEL F. FERRO
Name

City

State

Zipcode

8415 BELDALE CRT.
Address Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ___ day of _____ 19___ that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County and that the property be posted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JRF DATE: 8-18-98

ESTIMATED POSTING DATE: 8-30-98



Printed with Soybean Ink
on Recycled Paper

ITEM #: 77

99-77-A

ORDER RECEIVED FOR FILING

Date 8/18/98
By JRF

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8415 BELDALE COURT
address
BALTIMORE MD 21236
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

DUE TO REAR YARD SIZE AND CONFIGURATION THE EXISTING SET BACK REQUIREMENTS
ONLY ALLOW FOR A 9' 1/2 FOOT DECK. THIS SIZE WOULD BE SO RESTRICTIVE
AS TO BE OF NO PRACTICAL VALUE AND WOULD POSE A SAFETY HAZZARD WITH
BEING CROWDED ONCE OUTDOOR FURNITURE WERE IN PLACE. SINCE WE HAVE SMALL
CHILDREN WE WOULD NOT BE ABLE TO ENJOYABLY USE A STRUCTURE THAT
SMALL. THIS SIZE OF SETBACK RESTRICTS ALL PRACTICAL IMPROVEMENTS
FOR THE USE AND ENJOYMENT OF OUR PROPERTY.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

MANUEL F. FERRO
(signature)

MANUEL F. FERRO
(type or print name)



JACKIE FERRO
(signature)

JACKIE FERRO
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 th day of August, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/17/98

date

SETHUR NICHOL
NOTARY PUBLIC

My Commission Expires: 8/99

A-TT-PP

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8415 BELDALE COURT
address
BALTIMORE MD 21236
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

DUE TO REAR YARD SIZE AND CONFIGURATION THE EXISTING SETBACK REQUIREMENTS
ONLY ALLOW FOR A 9'-6" DECK. THIS SIZE WOULD BE SO RESTRICTIVE
AS TO BE OF NO PRACTICAL VALUE AND WOULD POSE A SAFETY HAZZARD
WITH BEING CRAWLED ONCE OUTSIDE FURNITURE WERE IN PLACE,
SINCE WE HAVE SMALL CHILDREN WE WOULD BE UNABLE TO ENJOYABLY
USE A STRUCTURE THAT SMALL. THIS SIZE OF SETBACK RESTRICTS ALL
PRACTICAL IMPROVEMENTS FOR THE USE AND ENJOYMENT OF
OUR PROPERTY.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

MANUEL F. FERRO
(signature)

MANUEL F. FERRO
(type or print name)



Jackie Ferro
(signature)

JACKIE FERRO
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit.

I HEREBY CERTIFY, this 17th day of August, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/17/98
date

Seth... Nichols
NOTARY PUBLIC

My Commission Expires: 8/99

A-FF-PP



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

8415 BELDALE COURT

which is presently zoned

DR-16 ✓

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1301.2.C.1.b and 301.1A.

TO PERMIT AN OPEN PROJECTION DECK WITH A REAR YARD SETBACK OF 11.7' IN LIEU OF THE REQUIRED 22.5'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1) *CONSTRAINING ADVERSE EFFECT ON USE OF PROPERTY.*

2) *PROHIBITS QUIET ENJOYMENT OF REAR YARD*

3) *PREVENTS, WITHOUT PRACTICAL DIFFICULTY, ACCESS & EGRESS TO AND FROM KITCHEN/DINING AREA.*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

MANUEL F. FERRO

(Type or Print Name)

MANUEL F. FERRO

Signature

JACKIE FERRO

(Type or Print Name)

JACKIE FERRO

Signature

8415 BELDALE COURT (410) 663-9213

Address

Phone No

BALTIMORE

City

MD

State

21236

Zipcode

Name, Address and phone number of representative to be contacted

MANUEL F. FERRO

Name

8415 BELDALE CRT.

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ___ day of _____ 19___ that the subject matter of this petition be set for a public hearing advertised, as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JRF

DATE

8-18-98

ESTIMATED POSTING DATE

8-30-98



Printed with Soybean Ink
on Recycled Paper

ITEM #:

77

99-77-A

Zoning Description for 8415 Beldale Court
being at a point on the North side of
Beldale Crt. which is 40 feet wide at
a distance of 100 feet North of the
centerline of the nearest improved intersecting
street Dunfield which is 70 feet wide being
lot #18 in the subdivision of Beldale Courts.
as recorded in Baltimore County Plat Book #67
Folio #72 containing 2788 square feet. Also known
as 8415 Beldale Court. and located in the 11th Election
District, 6th Councilmanic District.

77

99-77-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056137

DATE 8-18-98 ACCOUNT R-001-615-000
AMOUNT \$ 50.00

RECEIVED FROM: Manuel F. Ferro
FOR: 01-- Variance Item # 77
8415 Beldale ct. Taken by: JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
8/18/1998	8/18/1998	10:55:37
REG NO. 006	CASHIER AMEL MCM	DRAMER
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	033544	0914
CR NO.	056137	

50.00 CASH
Baltimore County, Maryland

99-77-A

CASHIER'S VALIDATION

A-77-PK

CERTIFICATE OF POSTING

RE: Case # 99-77-A
Petitioner/Developer:
(Mannel Ferro)
Date of Hearing/Closing:
(Sept. 14, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

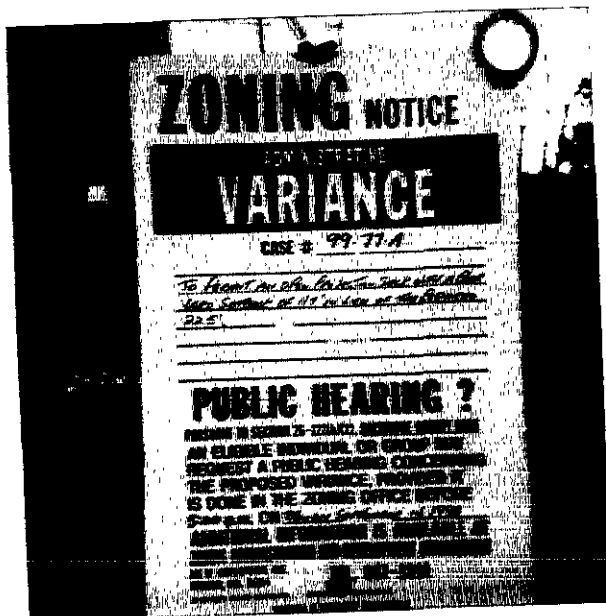
Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:


This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

8415 Beldale Court Baltimore, Maryland 21236 _____

The sign(s) were posted on _____ August 28, 1998
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 77 -A Address 8415 BELDALE COURTContact Person: Jun R. Fernando Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 8-18-98 Posting Date: 8-30-98 Closing Date: 9-14-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet 0to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 99- 77 -A Address 8415 BELDALE COURTPetitioner's Name Manuel & Jackie Ferro Telephone _____Posting Date: AUGUST 30, 1998 Closing Date: SEPT. 14, 1998Wording for Sign: To Permit an open projection deck with a ^{rear yard} setback
of 11.7' in lieu of the required 22.5'.



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Date: 8.31.91

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 077 JRF

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

R. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 3, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 8, 1998
Item Nos. 076, 077, 078, 079, 080,
081, and 082

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE:

9/1/98

FROM: R. Bruce Seeley *ARS/PP*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *09/31, 1998*
f

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

76
77
78
79
80

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: August 22, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition(s):

Item Nos. 76, 77, 78, 79, 80, and 82

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

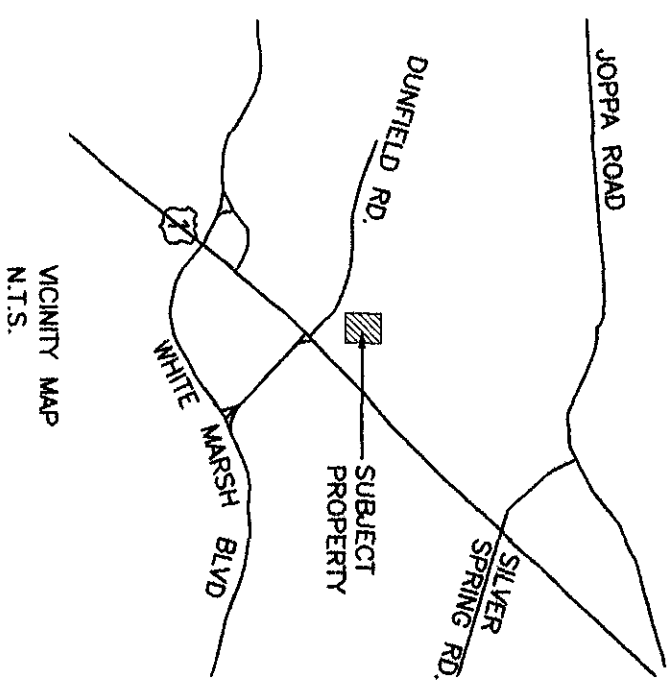
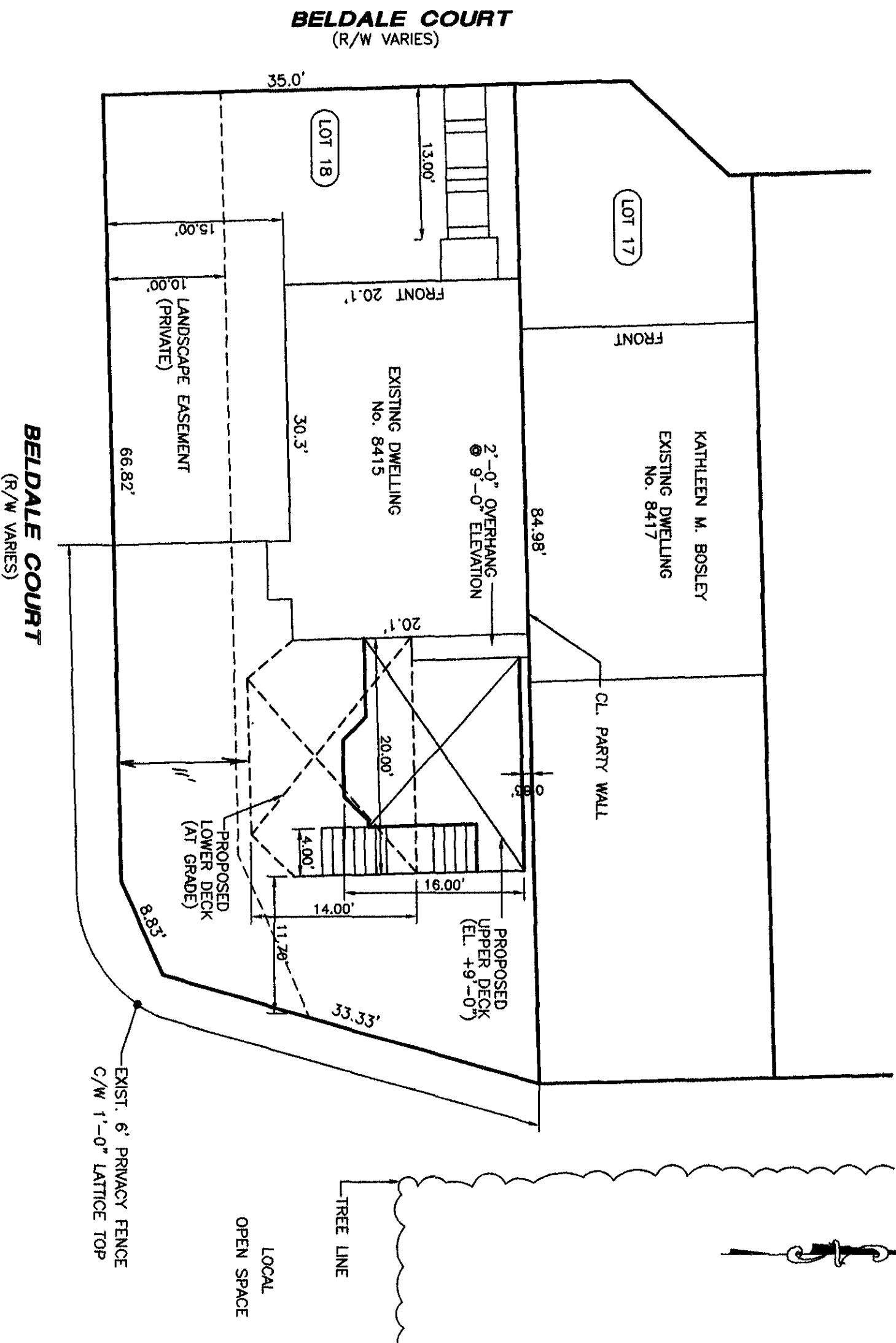
Section Chief:

Jeffrey W Long

AFK/JL

PLAN TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

PROPERTY ADDRESS: 8415 BELDALE COURT
Subdivision name: BELDALE COURTS
plat book S.M. 67, folio 72, lot # 18, section
OWNER: MANUEL & JACKIE FERRO



LOCATION INFORMATION

Councilman/District: 6
Election District: 11
1" = 200' scale map: NE-9F
Zoning: DR-16
Lot Size: 0.064 acreage 2788 sq. ft.
Sewer: Public
Water: Public
Chesapeake Bay Critical Area: NO
Prior Zoning Hearings: None

Zoning Office USE ONLY !

reviewed by: ITEM # CASE #

JRF

77

99-77-A

DATE: 08/18/98
PREPARED BY: MFF

Scale of Drawing: 1" = 10'



VIEW LOOKING @ FRONT & SIDEYARD



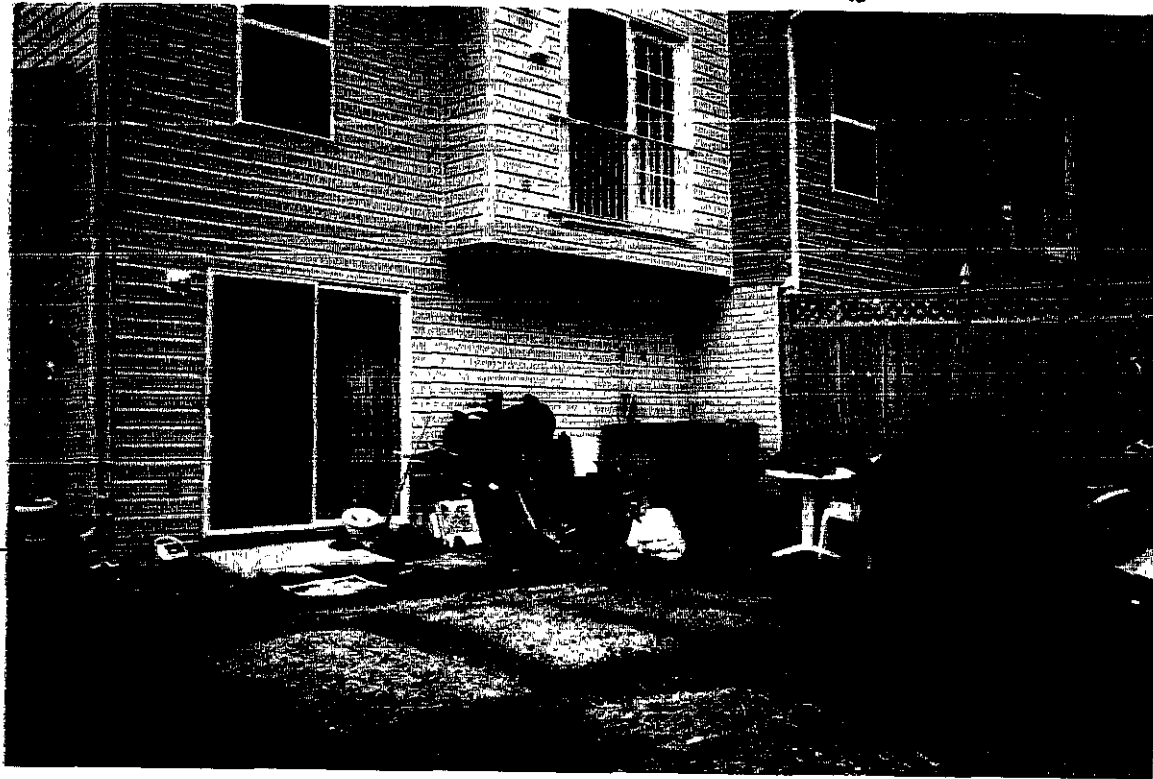
SIDE YARD VIEW

#77
99-77-A

UPPER DECK
ACCESS FRENCH DOORS

REAR YARD
LOCATION
OF PROPOSED
DECK'S

LOWER
DECK

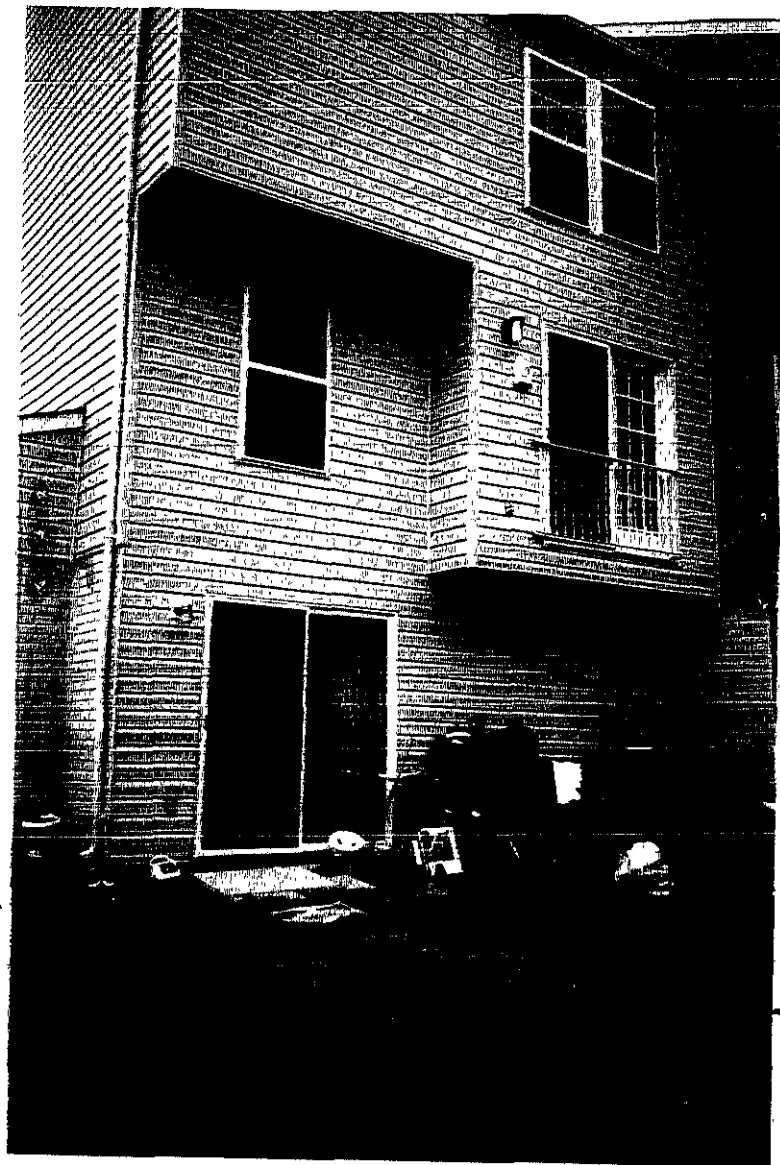


UPPER DECK

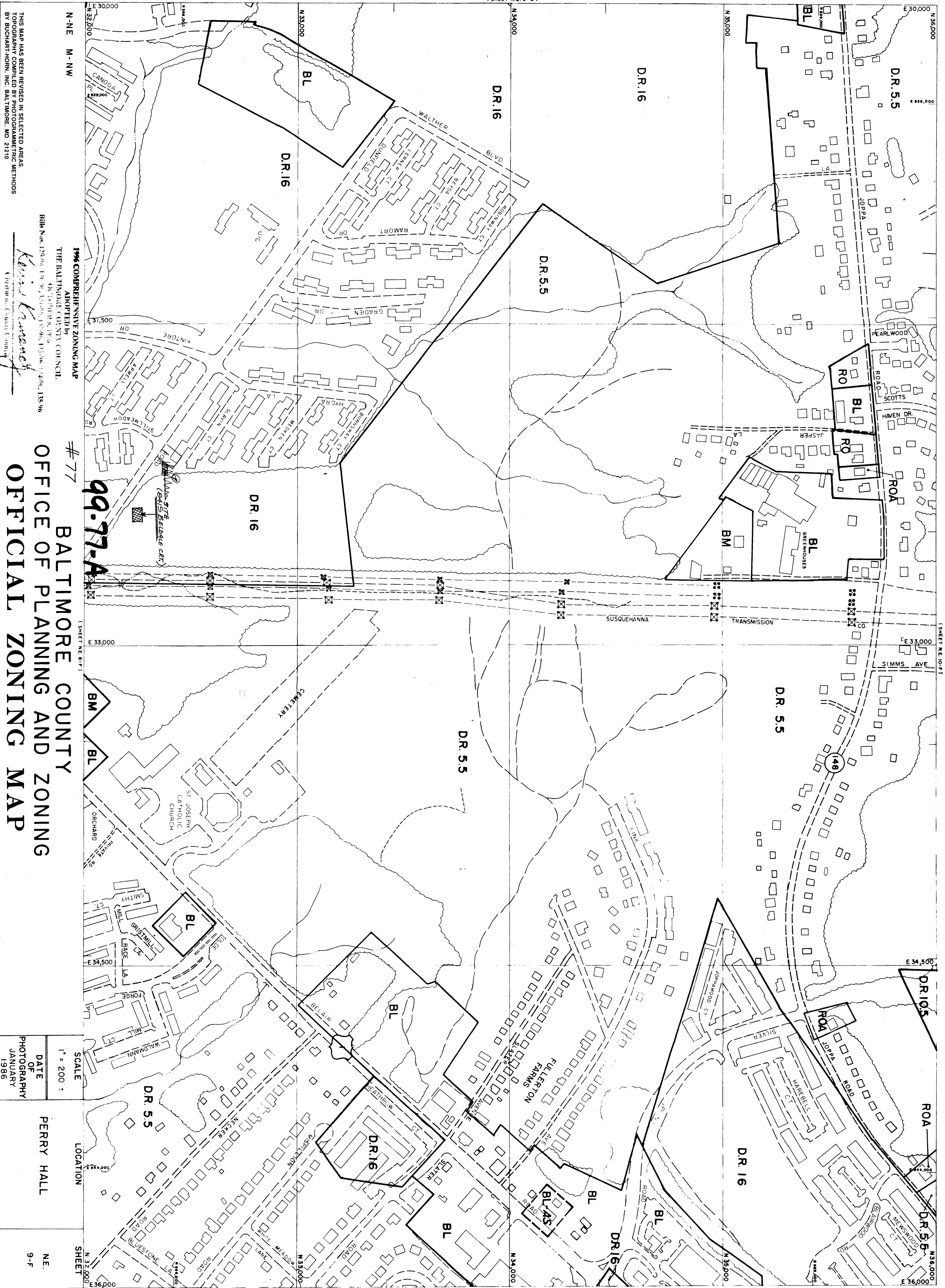
77

LOWER
DECK

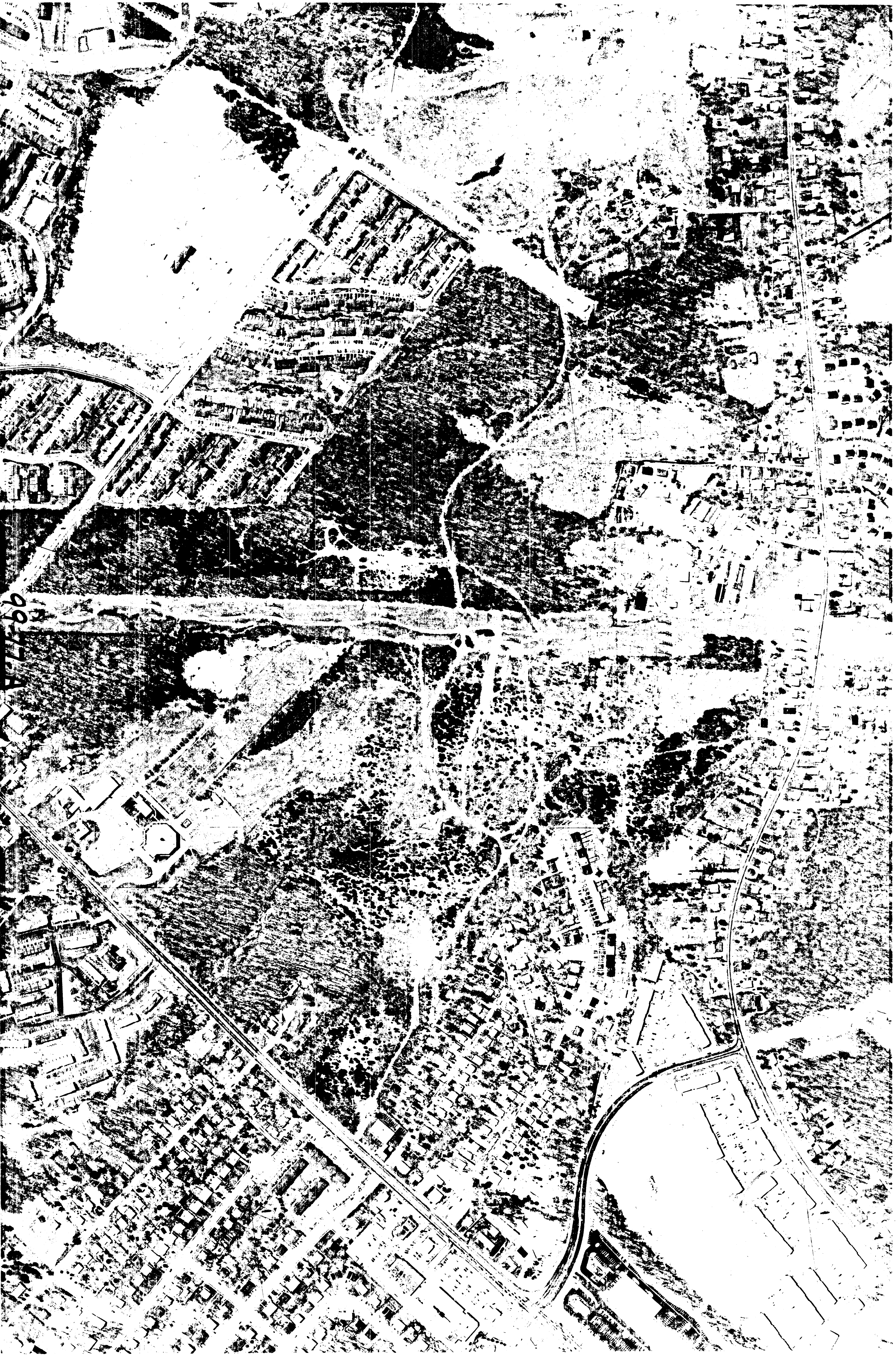
REAR YARD



99-77-A



THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TO REFLECT CHANGES IN ZONING METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210



5116 #77 BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E. 9-F
DATE OF PHOTOGRAPHY JANUARY 1986		